

# COUNTY OF YORK

## MEMORANDUM

**DATE:** November 4, 2003 (BOS Mtg. 11/18/2003 )

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Abatement of Levies for Buildings Razed, Destroyed, or Damaged by Fortuitous Happenings

As you know, Hurricane Isabel damaged numerous homes in York County. As a result, some of these homes have been rendered uninhabitable. Code of Virginia §58.1-3222, allows localities to adjust assessments for properties that have been substantially damaged due to circumstances beyond the property owner's control.

York County's Code currently has an existing ordinance in place for the abatement of levies when the end result is complete demolition. However, §58.1-3222 also allows localities to abate levies when both of the following criteria are met: (1) the occupants are forced to vacate the property for 30 days or more and (2) the damage to the property is estimated at \$500 or more. Proposed Ordinance O03-40 would amend the York County Code to incorporate the provisions for abating tax levies in accordance with Code of Virginia §58.1-3222. The tax on such razed, destroyed or damaged building is computed based on the time period the building was unfit for use, occupancy and enjoyment and the assessed value of the building/improvement. The proposed abatement requires certification by the County Building Official that the building is uninhabitable and/or condemned and requires an application to the County Assessor. Application for such abatement shall be made by or on behalf of the owner of the building within six months of the date the building was razed, destroyed or damaged.

Adoption of an ordinance consistent with Code of Virginia section 58.1-3222 may, in fact, be mandatory. That statute states that in any county which has adopted an ordinance for supplemental assessments of new buildings completed prior to November 1, the County's ordinance "shall so provide" for an adjusted assessment for buildings damaged or destroyed by circumstances beyond the control of the owner. York County's ordinance does indeed provide for supplemental assessments on newly completed buildings (see County Code section 21-7.1).

Based on the preliminary damage assessments performed by the staff of the County Assessor's Office and the staff of the County Building Official, we estimate the impact of the proposed tax abatement could be \$100,000 in reduced revenue for the current fiscal year.

I recommend adoption of Proposed Ordinance which would offer those York County property owners who have been severely impacted by Hurricane Isabel a reduction in real property tax levies.

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Attachment:

- Proposed Ordinance O03-40